

Senate Daily Reader

Monday, January 30, 2006

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State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

400M0229

HOUSE TAXATION COMMITTEE ENGROSSED NO. **HB 1048** - 01/17/2006

Introduced by: The Committee on Taxation at the request of the Department of Revenue and Regulation

1 FOR AN ACT ENTITLED, An Act to revise the reporting and remittance requirements for
2 certain state taxes and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 10-59 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any person who holds a license issued pursuant to chapters 10-33A, 10-45, 10-45D, 10-
7 46A, 10-46B, or 10-52A or who is a person whose receipts are subject to the tax imposed by
8 chapters 10-33A, 10-45, 10-45D, 10-46A, 10-46B, or 10-52A shall, except as otherwise
9 provided in this section, file a return, and pay any tax due, to the Department of Revenue and
10 Regulation on or before the twentieth day of the month following each monthly period. The
11 return shall be filed on forms prescribed and furnished by the department.

12 If the person remits the tax by electronic transfer to the state, the person shall file the return
13 by electronic means on or before the twenty-third day of the month following each monthly
14 period and remit the tax on or before the second to the last day of the month following each
15 monthly period.



1 The secretary may require or allow a person to file a return, and pay any tax due, on a basis
2 other than monthly and the return and remittance is due the last day of the month following the
3 reporting period, or at time otherwise determined by the secretary.

4 The secretary of revenue and regulation may grant an extension of not more than five days
5 for filing a return and remittance. However, the secretary of revenue and regulation may grant
6 an extension for remitting the tax to a qualified business as provided in §§ 10-45-99 to 10-45-
7 107, inclusive, for six months.

8 Unless an extension is granted, penalty or interest under § 10-59-6 shall be paid if a return
9 or remittance is not made on time.

10 Section 2. That § 10-45-27 be repealed.

11 ~~10-45-27. Any person who is the holder of a sales tax permit or is a retailer whose receipts~~
12 ~~are subject to sales tax in this state during the periods specified by this section shall make a~~
13 ~~return and remittance to the Department of Revenue and Regulation on forms prescribed and~~
14 ~~furnished by the department in the following manner:~~

15 ~~— (1) — Any person whose tax liability is one thousand dollars or more annually, shall file the~~
16 ~~return and remit the tax on or before the twentieth day of the month following each~~
17 ~~monthly period;~~

18 ~~— (2) — Any person whose tax liability is less than one thousand dollars annually, shall file~~
19 ~~the return and remit the tax on or before the last day of the month following each~~
20 ~~two-month period;~~

21 ~~— (3) — Any person whose tax liability is one thousand dollars or more annually and who~~
22 ~~remits the tax by electronic transfer to the state, shall file the return by electronic~~
23 ~~means on or before the twenty-third day of the month following each monthly period~~
24 ~~and remit the tax on or before the second to the last day of the month following each~~

1 ~~monthly period.~~

2 ~~—The secretary of revenue and regulation may grant an extension of not more than five days~~
3 ~~for filing a return and remittance. However, the secretary of revenue and regulation may grant~~
4 ~~an extension for remitting the tax to a qualified business as provided in §§ 10-45-99 to 10-45-~~
5 ~~107, inclusive, for six months.~~

6 ~~—Unless an extension is granted, penalty or interest under § 10-59-6 shall be paid if a return~~
7 ~~or remittance is not made on time.~~

8 Section 3. That § 10-45D-10 be repealed.

9 ~~—10-45D-10. Any person who is subject to the tax imposed by §§ 10-45D-1 to 10-45D-14,~~
10 ~~inclusive, shall make a return and remittance to the Department of Revenue and Regulation on~~
11 ~~forms prescribed and furnished by the department in the following manner:~~

12 ~~—(1) Any person, whose tax liability is one thousand dollars or more annually, shall file~~
13 ~~the return and remit the tax on or before the twentieth day of the month following~~
14 ~~each monthly period;~~

15 ~~—(2) Any person, whose tax liability is less than one thousand dollars annually, shall file~~
16 ~~the return and remit the tax on or before the last day of the month following each~~
17 ~~two-month period; and~~

18 ~~—(3) Any person, whose tax liability is one thousand dollars or more annually and who~~
19 ~~remits the tax by electronic transfer to the state, shall file the return by electronic~~
20 ~~means on or before the twenty-third day of the month following each monthly period~~
21 ~~and remit the tax on or before the second to the last day of the month following each~~
22 ~~monthly period.~~

23 ~~—The secretary of revenue and regulation may grant an extension of not more than five days~~
24 ~~for filing a return and remittance. Unless an extension is granted, penalty or interest under § 10-~~

~~59-6 shall be paid if a return or remittance is not made on time.~~

Section 4. That § 10-46A-1.6 be repealed.

~~10-46A-1.6. Any person who is the holder of a contractor's excise tax license or is a contractor whose receipts are subject to contractor's excise tax in this state during the periods specified by this section shall make a return and remittance to the Department of Revenue and Regulation on forms prescribed and furnished by the department in the following manner:~~

~~(1) Any person whose tax liability is one thousand dollars or more annually, shall file the return and remit the tax on or before the twentieth day of the month following each monthly period;~~

~~(2) Any person whose tax liability is less than one thousand dollars annually, shall file the return and remit the tax on or before the last day of the month following each two-month period;~~

~~(3) Any person whose tax liability is one thousand dollars or more annually and who remits the tax by electronic transfer to the state, shall file the return by electronic means on or before the twenty-third day of the month following each monthly period and remit the tax on or before the second to the last day of the month following each monthly period.~~

~~The secretary of revenue and regulation may grant an extension of not more than five days for filing a return and remittance. Unless an extension is granted, the person with the tax liability shall pay the penalty or interest as provided by § 10-59-6 if a return or remittance is not made on time.~~

Section 5. That § 10-46B-1.4 be repealed.

~~10-46B-1.4. Any person who is the holder of a contractor's excise tax license or is a contractor whose receipts are subject to contractor's excise tax in this state during the periods~~

1 ~~specified by this section shall make a return and remittance to the Department of Revenue and~~
2 ~~Regulation on forms prescribed and furnished by the department in the following manner:~~

3 ~~—(1)— Any person whose tax liability is one thousand dollars or more annually, shall file the~~
4 ~~return and remit the tax on or before the twentieth day of the month following each~~
5 ~~monthly period;~~

6 ~~—(2)— Any person whose tax liability is less than one thousand dollars annually, shall file~~
7 ~~the return and remit the tax on or before the last day of the month following each~~
8 ~~two-month period;~~

9 ~~—(3)— Any person whose tax liability is one thousand dollars or more annually and who~~
10 ~~remits the tax by electronic transfer to the state, shall file the return by electronic~~
11 ~~means on or before the twenty-third day of the month following each monthly period~~
12 ~~and remit the tax on or before the second to the last day of the month following each~~
13 ~~monthly period.~~

14 ~~—The secretary of revenue and regulation may grant an extension of not more than five days~~
15 ~~for filing a return and remittance. Unless an extension is granted, the person with the tax liability~~
16 ~~shall pay the penalty or interest as provided by § 10-59-6 if a return or remittance is not made~~
17 ~~on time.~~

18 Section 6. That § 10-52A-4 be repealed.

19 ~~—10-52A-4. Any person who is subject to the tax imposed by this chapter shall make a return~~
20 ~~and remittance to the department on forms prescribed and furnished by the department in the~~
21 ~~following manner:~~

22 ~~—(1)— Any person whose tax liability is one thousand dollars or more annually, shall file the~~
23 ~~return and remit the tax on or before the twentieth day of the month following each~~
24 ~~monthly period;~~

1 ~~— (2) Any person whose tax liability is less than one thousand dollars annually, shall file~~
2 ~~the return and remit the tax on or before the last day of the month following each~~
3 ~~two-month period; and~~

4 ~~— (3) Any person whose tax liability is one thousand dollars or more annually and who~~
5 ~~remits the tax by electronic transfer to the state, shall file the return by electronic~~
6 ~~means on or before the twenty-third day of the month following each monthly period~~
7 ~~and remit the tax on or before the second to the last day of the month following each~~
8 ~~monthly period.~~

9 ~~— The secretary of revenue and regulation may grant an extension of not more than five days~~
10 ~~for filing a return and remittance. Unless an extension is granted, penalty or interest pursuant~~
11 ~~to § 10-59-6 shall be paid if a return or remittance is not made on time.~~

12 Section 7. That § 10-33A-10 be repealed.

13 ~~— 10-33A-10. Any person who is the holder of a telecommunications gross receipts tax license~~
14 ~~or is a telecommunications company whose receipts are subject to telecommunications gross~~
15 ~~receipts tax in this state shall file a return and remit the tax on or before the twentieth day of the~~
16 ~~month following each monthly period. If the telecommunications company files the return and~~
17 ~~remits the tax by electronic transfer to the state, the telecommunications company shall file the~~
18 ~~return and remit the tax on or before the last day of the month following each monthly period.~~

19 ~~— The secretary may grant an extension of not more than five days for filing a return and~~
20 ~~remittance. Unless an extension is granted, penalty or interest under § 10-59-6 shall be paid if~~
21 ~~a return or remittance is not made on time.~~

22 Section 8. That chapter 10-59 be amended by adding thereto a NEW SECTION to read as
23 follows:

24 Any person licensed pursuant to chapter 10-33A, 10-45, 10-45D, 10-46A, 10-46B, or 10-

52A shall file the applicable tax return whether or not the person has gross receipts subject to tax.

Section 9. Any prior collection, appropriation, or distribution of the revenue consistent with the provisions of section 8 of this Act is hereby validated, ratified, and affirmed.

Section 10. That § 10-45-27.1 be repealed.

~~10-45-27.1. A person licensed pursuant to this chapter shall file the applicable tax return whether or not the person has gross receipts subject to tax.~~

Section 11. That § 10-45D-10.1 be repealed.

~~10-45D-10.1. A person licensed pursuant to this chapter shall file the applicable tax return whether or not the person has gross receipts subject to tax.~~

Section 12. That § 10-46A-8.1 be repealed.

~~10-46A-8.1. A person licensed pursuant to this chapter shall file the applicable tax return whether or not the person has gross receipts subject to tax.~~

Section 13. That § 10-46B-15.1 be repealed.

~~10-46B-15.1. A person licensed pursuant to this chapter shall file the applicable tax return whether or not the person has gross receipts subject to tax.~~

Section 14. That § 10-52A-4.1 be repealed.

~~10-52A-4.1. A person licensed pursuant to this chapter shall file the applicable tax return whether or not the person has gross receipts subject to tax.~~

Section 15. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

400M0324

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB 1051** - 01/13/2006

Introduced by: The Committee on Judiciary at the request of the Department of Social Services

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding notice to a tribe of
2 a child custody proceeding subject to the Indian Child Welfare Act.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 26-7A-15 be amended to read as follows:

5 26-7A-15. The officer or party who takes a child into temporary custody, with or without
6 a court order, except under a court order issued during a noticed hearing after an action has been
7 commenced, shall immediately, without unnecessary delay in keeping with the circumstances,
8 inform the child's parents, guardian, or custodian of the temporary custody and of the right to
9 a prompt hearing by the court to determine whether temporary custody should be continued. If
10 the child's parents, guardian, or custodian cannot be located after reasonable inquiry, the officer
11 or party taking temporary custody of the child shall report that fact and the circumstances
12 immediately to the state's attorney. The state's attorney shall notify the child's parents, guardian,
13 or custodian, without unnecessary delay, of the time, date, and place of the temporary custody
14 hearing. If the temporary custody hearing concerns an apparent abused or neglected Indian child,
15 the state's attorney or Department of Social Services shall make reasonable efforts to inform the



1 Indian custodian and the designated tribal agent for the Indian child's tribe, if known, of the
2 time, date, and place of the temporary custody hearing. The information regarding the temporary
3 custody hearing may be provided to the Indian custodian or ~~Indian child's tribe~~ the designated
4 tribal agent orally or in writing, including by telephone or facsimile. The hearing shall be held
5 within forty-eight hours if it concerns any apparent abused or neglected child or if it concerns
6 any apparent delinquent child pursuant to § 26-8C-3 or within twenty-four hours if it concerns
7 any apparent child in need of supervision pursuant to § 26-8B-3, excluding Saturdays, Sundays,
8 and court holidays, after taking the child into temporary custody, unless extended by order of
9 the court. Failure to notify the child's parents, guardian, or custodian, or to inform the Indian
10 custodian or the ~~Indian child's tribe~~ designated tribal agent, of the temporary custody hearing
11 is not cause for delay of the hearing if the child is represented by an attorney at the hearing. As
12 used in this section, the terms, Indian child, Indian custodian, and Indian child's tribe, are
13 defined as in 25 U.S.C. § 1903, as amended to January 1, 2005.

14 Section 2. That chapter 26-7A be amended by adding thereto a NEW SECTION to read as
15 follows:

16 As used in this chapter, the term, designated tribal agent, means the agent, agency, or entity
17 designated by the tribe, through tribal code or resolution, to receive notices of child custody
18 proceedings subject to the Indian Child Welfare Act. The tribe may provide, in writing, to the
19 director of the Division of Child Protection Services, Department of Social Services, the name
20 or title, address, telephone number, and facsimile number, if applicable, of the designated agent.
21 The department shall make the information available electronically by posting the information
22 on the department's website not later than ten business days after the information is received by
23 the director. If a tribe does not designate a tribal agent for receipt of notice, notice shall be given
24 in accordance with 25 C.F.R. 23.12.

Section 3. That § 26-7A-15.1 be amended to read as follows:

26-7A-15.1. In any proceeding under chapters 26-7A, 26-8A, or 26-8B, to which the terms of the "Indian Child Welfare Act", 25 U.S.C. § 1901 et seq., as amended to January 1, 2005, apply:

(1) If the state's attorney knows or has reason to know that an Indian child is involved, the state's attorney shall notify the parent or Indian custodian and the Indian child's tribe, if known, of the pending proceedings and of their right of intervention. The notice shall be sent by registered mail with return receipt requested but may be personally served on any person entitled herein to receive notice in lieu of mail service. The notice to the Indian child's tribe shall be sent to the designated tribal agent. However, if the tribe appears by counsel or by a representative of the tribe pursuant to § 26-8A-33, the notice shall be sent to counsel or to the representative, as applicable. If the identity or location of the parent or Indian custodian and the Indian child's tribe cannot be determined, the notice shall be given to the United States Secretary of the Interior and to the area director for the Bureau of Indian Affairs in like manner, who have fifteen days after receipt to provide the requisite notice to the parent or Indian custodian and the tribe;

(2) The state's attorney shall provide ~~such~~ the notice prior to any adjudicatory hearing and prior to any final dispositional hearing in which the state seeks termination of parental rights of one or both parents or termination of the rights of the Indian custodian. However, upon intervention, the parent, tribe, or Indian custodian is entitled to notice in the manner authorized by the Rules of Civil Procedure and chapters 26-7A and 26-8A. The notice shall be served on counsel for the tribe or the representative for the tribe pursuant to § 26-8A-33, as applicable;

1 (3) The court shall establish in the record that a notice of the proceeding was provided
2 as required in this section. No foster care placement or termination of parental rights
3 proceedings may be held until at least ten days after receipt of the foregoing notice
4 by the parent or Indian custodian and the tribe or the Secretary. The parent or Indian
5 custodian or the tribe shall, upon request, be granted up to twenty additional days to
6 prepare for the proceeding;

7 (4) The notice required in this section shall be written in clear and understandable
8 language and shall include the following:

9 (a) The name and tribal affiliation, if known, of the Indian child;

10 (b) A copy of the petition unless the notice is served by publication pursuant to
11 § 26-7A-48;

12 (c) The name and address of the state's attorney;

13 (d) A statement listing the rights of the Indian child's parents, Indian custodians,
14 and tribes, under the Indian Child Welfare Act, 25 U.S.C. § 1901, et. seq., as
15 amended to January 1, 2005, including:

16 (I) The right of a Indian custodian or the Indian child's tribe to intervene
17 in a proceeding for the foster care placement of, or termination of
18 parental rights to, the Indian child;

19 (ii) The right to file a motion to transfer the proceeding to the tribal court
20 of the Indian child's tribe;

21 (iii) The right to be granted up to twenty days from the receipt of the notice
22 to prepare for the proceeding; and

23 (iv) The right to request that the court grant further extensions of time;

24 (e) If the petition alleges the child to be an abused or neglected child, a statement

1 that the termination of parental or custodial rights is a possible remedy under
2 the proceedings;

3 (f) A statement that if the Indian child's parents or Indian custodian are unable to
4 afford counsel, counsel may be appointed to represent them;

5 (g) A statement in the notice to the tribe that the information contained in the
6 notice, petition, pleading, or other documents are confidential; and

7 (h) The location, mailing address and telephone number of the court.

8 The original or a copy of each notice sent pursuant to this section shall be filed with
9 the court together with any return receipts or other proof of service;

10 (5) Each party may examine all reports or other documents filed with the court upon
11 which any decision with respect to such action may be based.

12 As used in this section, the terms, Indian, Indian child, parent, Indian custodian, tribe, Indian
13 child's tribe, foster care placement, termination of parental rights, and secretary, are defined as
14 in 25 U.S.C. § 1903, as amended to January 1, 2005.

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

671M0139

HOUSE ENGROSSED NO. **HJR 1002** - 01/17/2006

Introduced by: Representatives Michels, Haley, Heineman, Hunhoff, and Putnam and
Senators Olson (Ed), Broderick, Gray, Peterson (Jim), and Schoenbeck at the
request of the Constitutional Revision Commission

1 A JOINT RESOLUTION, To repeal certain voided constitutional provisions regarding term
2 limits for United States senators and representatives.

3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH
4 DAKOTA, THE SENATE CONCURRING THEREIN:

5 Section 1. That at the next general election held in the state, the repeal of Article III, section
6 32 of the Constitution of the State of South Dakota, as set forth in section 2 of this Joint
7 Resolution, which is hereby agreed to, shall be submitted to the electors of the state for
8 approval.

9 Section 2. That Article III, section 32 of the Constitution of the State of South Dakota, be
10 repealed.

11 § 32. ~~Commencing with the 1992 election, no person may be elected to more than two~~
12 ~~consecutive terms in the United States senate or more than six consecutive terms in the United~~
13 ~~States house of representatives.~~



State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

400M0287

SENATE TRANSPORTATION COMMITTEE

ENGROSSED NO. **SB 42** - 01/24/2006

Introduced by: The Committee on Transportation at the request of the Department of Public Safety

1 FOR AN ACT ENTITLED, An Act to update and revise certain provisions pertaining to
2 saddlemount motor vehicle combinations.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-22-11 be amended to read as follows:

5 32-22-11. ~~Before operating any combination of motor vehicles by the driveway method in~~
6 ~~saddlemount consisting of three or four units, the motor carrier shall hold a valid Interstate~~
7 ~~Commerce Commission certificate to transport new automobiles and trucks by the driveway~~
8 ~~method. The~~ A motor carrier may transport new automobiles and trucks in the method of double
9 saddlemount or triple saddlemount ~~provided~~ if the carrier complies with the United States
10 Department of Transportation motor carrier safety regulations regarding double and triple
11 saddlemount as ~~of October 1, 1986~~ adopted by § 49-28A-3. No combination of motor vehicles
12 permitted by this section may exceed seventy-five feet in length, nor exceed the width, height,
13 or gross weight limitations fixed by statute. A violation of this section is a Class 2 misdemeanor.

14 Section 2. That chapter 32-22 be amended by adding thereto a NEW SECTION to read as
15 follows:



1 A combination of vehicles consisting of a double or triple saddlemount with fullmount, as
2 defined in 23 CFR 658.5 as of January 1, 2006, may be operated upon the highways of this state
3 if the carrier compiles with the United States Department of Transportation motor carrier safety
4 regulations regarding double and triple saddlemount as adopted by § 49-28A-3. No combination
5 of motor vehicles permitted by this section may exceed ninety-seven feet in length, nor exceed
6 the width, height, or gross weight limitations fixed by statute. A violation of this section is a
7 Class 2 misdemeanor.

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

525M0097

SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO. **SB 72** - 01/26/2006

Introduced by: Senators Olson (Ed), Duniphan, Greenfield, and Kooistra and Representatives Sebert, Kroger, and Vehle

1 FOR AN ACT ENTITLED, An Act to authorize veterinary livestock assistants to perform
2 equine dentistry in certain circumstances.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 36-12-2 be amended to read as follows:

5 36-12-2. The following persons ~~shall not be~~ are not considered to be engaging in the practice
6 of veterinary medicine in this state:

7 (1) ~~Those who administer~~ Any person who administers to livestock, title of which rests
8 in ~~himself~~ the person, or in ~~his~~ the person's regular employer, or free service in any
9 case;

10 (2) ~~Those who conduct~~ Any person who conducts experimentation in scientific research
11 in the development of methods, technics, or treatment, directly or indirectly
12 applicable to the problems of medicine, and who in connection ~~therewith~~ with the
13 research uses animals;

14 (3) ~~Services~~ Any person who provides services to poultry in its entirety;

15 (4) ~~Regular students~~ Any regular student in a legally chartered and recognized college



of veterinary medicine, while in the performance of studies and acts assigned by ~~their~~
the student's instructors;

(5) ~~Those who are~~ Any person who is licensed in another state of the United States when
engaged in this state in consultation with ~~veterinarians~~ a veterinarian legally
practicing ~~herein, providing in this state, if~~ such consultation does not exceed thirty
days in any one year;

(6) ~~Those who are senior students~~ Any senior student in an approved school of veterinary
medicine and who ~~shall obtain~~ obtains from the Board of Veterinary Medical
Examiners an undergraduate permit to practice in the office and under the direct
supervision of any veterinarian practicing within this state;

(7) ~~Those who are employees~~ Any employee of the State of South Dakota or the United
States of America while in the performance of ~~their~~ the person's duties as such an
employee;

(8) ~~Those~~ Any person selling drugs, medicines, household remedies, or appliances at
wholesale or retail and advising as to the use and purpose of such drugs, medicines,
household remedies, or appliances;

(9) ~~Veterinary livestock assistants~~ Any veterinary livestock assistant registered by the
State Board of Veterinary Medical Examiners who ~~work,~~ under the supervision of a
veterinarian licensed in the State of South Dakota ~~to perform,~~ performs spaying of
cattle and administration of biologics and pharmaceuticals or performs equine
dentistry. Such actions may only be performed under the order of ~~their~~ the veterinary
livestock assistant's supervising ~~veterinarians~~ veterinarian. The State Board of
Veterinary Medical Examiners shall promulgate rules pursuant to chapter 1-26 for
the registration of veterinary livestock assistants.

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

418M0191

SENATE COMMERCE COMMITTEE ENGROSSED NO.

SB 89 - 01/26/2006

This bill has been extensively amended (houghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators McCracken, Gray, and Sutton (Dan) and Representatives McLaughlin, Boomgarden, Bradford, Krebs, Rounds, and Thompson

1 FOR AN ACT ENTITLED, An Act to require the Division of Insurance to study the offering
2 of assisted living facility benefits to certain persons with long-term care insurance.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 58-17B be amended by adding thereto a NEW SECTION to read
5 as follows:

6 The Division of Insurance shall conduct a study of long-term care insurance in this state to
7 determine the extent to which long-term care policies have been issued which do not contain
8 assisted living facility benefits. The study shall include information as to the cost of adding
9 assisted living facility benefits to long-term care policies and the potential premium impact it
10 may have on other insureds. A report shall be made to the Legislature no later than December 1,
11 2006.



State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

186M0476

SENATE TAXATION COMMITTEE ENGROSSED NO. **SB 92** - 01/25/2006

Introduced by: Senators Knudson, Dempster, McCracken, Nesselhuf, and Olson (Ed) and
Representatives Dykstra, Cutler, Novstrup, and Rave

1 FOR AN ACT ENTITLED, An Act to revise the formula for determining the amount of the
2 sales, use, and contractors' excise tax refund provided to certain new business facilities.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-45B-5.1 be amended to read as follows:

5 10-45B-5.1. The amount of the tax refund for a new business facility shall be a percentage
6 of the taxes paid, as follows:

7 (1) For project costs of less than ten million dollars, there shall be no refund;

8 (2) For project costs of ten or more million dollars but less than ~~twenty~~ fifteen million
9 dollars there shall be a refund of twenty-five percent of the taxes paid;

10 (3) For project costs of ~~twenty~~ fifteen or more million dollars but less than ~~sixty~~ twenty
11 million dollars there shall be a refund of ~~fifty~~ thirty-three percent of the taxes paid;

12 (4) For project costs of ~~sixty~~ twenty or more million dollars but less than ~~six hundred~~
13 forty million dollars there shall be a refund of fifty percent of the taxes paid;

14 (5) For project costs of forty or more million dollars but less than sixty million dollars
15 there shall be a refund of sixty-seven percent of the taxes paid;



- 1 (6) For project costs of sixty million dollars or more but less than six hundred million
2 dollars there shall be a refund of seventy-five percent of the taxes paid; and
3 ~~(5)~~(7) For project costs of six hundred million dollars and greater there shall be a refund of
4 ninety percent of the taxes paid.

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

735M0518

SENATE TAXATION COMMITTEE ENGROSSED NO. **SB 127** - 01/25/2006

Introduced by: Senators McCracken, Dempster, Duniphan, Gray, Hansen (Tom), Kelly, Koetzle, Kooistra, Lintz, Moore, Olson (Ed), and Smidt and Representatives Cutler, Hanks, Hennies, Kraus, O'Brien, Rave, and Roberts

- 1 FOR AN ACT ENTITLED, An Act to revise the notice of sale of real property for taxes.
- 2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
- 3 Section 1. That § 10-23-3 be amended to read as follows:
- 4 10-23-3. The notice required by § 10-23-2 shall contain a notification that all real property
- 5 on which the taxes of the preceding year or years remain unpaid will be sold; and of the time and
- 6 place of the sale ~~and the notice must.~~ The notice shall also contain a list of the real property to
- 7 be sold on which the taxes of the preceding year or years were unpaid as of the close of business
- 8 on the first Monday of December, the name of the parties, ~~against whom it is assessed~~ who are
- 9 the owner of record, and the amount of taxes due. The owner of record is the owner of property
- 10 as recorded in the office of the register of deeds on the first Monday of November.



State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

772M0264

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB 148** - 01/25/2006

Introduced by: Senators Abdallah, Dempster, Duniphan, Earley, Gant, Gray, Hansen (Tom), Kelly, Koskan, McCracken, Schoenbeck, Smidt, Sutton (Dan), and Sutton (Duane) and Representatives Cutler, Bradford, Brunner, Davis, Deadrick, Dennert, Dykstra, Faehn, Frost, Garnos, Gassman, Glenski, Hackl, Halverson, Hanks, Hargens, Haverly, Heineman, Hennies, Hills, Howie, Hunhoff, Hunt, Jerke, Klaudt, Kraus, Krebs, Kroger, McCoy, Michels, Miles, Murschel, Nelson, Novstrup, O'Brien, Pederson (Gordon), Rave, Rhoden, Rounds, Schafer, Street, Tornow, Turbiville, Valandra, Van Etten, Weems, Wick, and Willadsen

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the sex offender
2 registry and the supervision of sex offenders.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-24B-1 be amended to read as follows:

5 22-24B-1. For the purposes of §§ 22-24B-2 to 22-24B-14, inclusive, a sex crime is any of
6 the following crimes regardless of the date of the commission of the offense or the date of
7 conviction:

8 (1) Rape as set forth in § 22-22-1;

9 (2) ~~Sexual~~ Felony sexual contact with a minor under sixteen as set forth in § 22-22-7 if
10 committed by an adult ~~and the adult is convicted of a felony;~~

11 (3) Sexual contact with a person incapable of consenting as set forth in § 22-22-7.2 ~~if~~



1 committed by an adult;

2 (4) Incest as set forth in ~~§ 22-22-19.1~~ if committed by an adult;

3 (5) Possessing, manufacturing, or distributing child pornography as set forth in § 22-
4 24A-3;

5 (6) Sale of child pornography as set forth in § 22-24A-1;

6 (7) Sexual exploitation of a minor as set forth in § 22-22-24.3;

7 (8) Kidnapping, as set forth in § 22-19-1, if the victim of the criminal act is a minor;

8 (9) Promotion of prostitution of a minor as set forth in subdivision 22-23-2(2);

9 (10) Criminal pedophilia as previously set forth in § 22-22-30.1;

10 (11) Felony indecent exposure as previously set forth in former § 22-24-1 or indecent
11 exposure as set forth in § 22-24-1.2;

12 (12) Solicitation of a minor as set forth in § 22-24A-5;

13 (13) Felony ~~aggravated~~ indecent exposure as set forth in § 22-24-1.3;

14 (14) Bestiality as set forth in § 22-22-42;

15 (15) An attempt to commit any of the crimes listed in this section;

16 (16) Any crime committed in a place other than this state which would constitute a sex
17 crime under this section if committed in this state;

18 (17) Any federal crime or court martial offense that would constitute a sex crime under
19 federal law;

20 (18) Any crime committed in another state if that state also requires that anyone convicted
21 of that crime register as a sex offender in that state; or

22 (19) If the victim is a minor:

23 (a) Any sexual acts between a jail employee and a detainee as set forth in § 22-22-
24 7.6;

(b) Any sexual contact by a psychotherapist as set forth in § 22-22-28; or

(c) Any sexual penetration by a psychotherapist as set forth in § 22-22-29.

Section 2. That § 22-24B-2 be amended to read as follows:

22-24B-2. Any person who has been convicted for commission of a sex crime, as defined in § 22-24B-1, shall register as a sex offender. The term, convicted, includes a verdict or plea of guilty, a plea of nolo contendere, and a suspended imposition of sentence which has not been discharged pursuant to 23A-27-14 prior to July 1, 1995. Any juvenile fifteen years or older shall register as a sex offender if that juvenile has been adjudicated of, or has received a suspended adjudication pursuant to § 26-8C-4 for, a sex crime as defined in ~~§ 22-22-20(9), 22-22-7.2, or 22-24B-1 § 22-22-7.2, 22-24B-1(1), or 22-24B-1(9)~~, or of an out-of-state or federal offense that is comparable to the elements of these three sex crimes or any crime committed in another state if the state also requires a juvenile adjudicated of that crime to register as a sex offender in that state. The sex offender shall register within ~~ten~~ five days of coming into any county to reside, temporarily domicile, attend school, attend postsecondary education classes, or work. Registration shall be with the chief of police of the municipality in which the sex offender resides, domiciles, attends school, attends classes, or works, or, if no chief of police exists, then with the sheriff of the county. A violation of this section is a ~~Class 1 misdemeanor. However,~~ any subsequent violation is a Class 6 felony. Any person whose sentence is discharged under § 23A-27-14 after July 1, 1995, shall forward a certified copy of such formal discharge by certified mail to the Division of Criminal Investigation and to local law enforcement where the person is then registered under this section. Upon receipt of such notice, the person shall be removed from the sex offender registry open to public inspection and shall be relieved of further registration requirements under this section.

Section 3. That § 22-24B-5 be amended to read as follows:

1 22-24B-5. The Division of Criminal Investigation shall mail a nonforwardable verification
2 form at least once annually to the last reported address of each person registered under § 22-
3 24B-2. The person shall return the verification form to the Division of Criminal Investigation
4 within ten days after receipt of any such form. The verification form shall be signed by the
5 person required to register and shall state that the person still resides at the address last reported
6 to the Division of Criminal Investigation. If the person fails to return the verification form to
7 the Division of Criminal Investigation within ten days after receipt of the form, the person is in
8 violation of this section. Nonreceipt of a registration verification does not constitute a defense
9 to failure to comply with this section. A violation of this section is a ~~Class 1 misdemeanor. Any~~
10 ~~subsequent violation is a Class 6 felony.~~

11 Section 4. That chapter 22-24B be amended by adding thereto a NEW SECTION to read as
12 follows:

13 The chief of police in the municipality in which the sex offender resides, or if no chief of
14 police exists, the sheriff of the county, shall annually confirm that the address listed on the sex
15 offender registry matches the residence of each registered sex offender. Such confirmation shall
16 be submitted to the Division of Criminal Investigation.

17 Section 5. That § 22-24B-6 be amended to read as follows:

18 22-24B-6. Any person who is registered as required by § 22-24B-2 and who is employed,
19 carries on a vocation, or attends postsecondary classes at an institution of higher education,
20 institution of higher learning, or technical institute in this state shall, within ~~ten~~ five days of any
21 commencement and within ~~ten~~ five days of termination of such enrollment or employment or
22 change in employer, report to the chief of police or county sheriff where the institution is located
23 and complete a registration update form. A violation of this section is a ~~Class 1 misdemeanor.~~
24 ~~Any subsequent violation is a Class 6 felony.~~

Section 6. That § 22-24B-7 be amended to read as follows:

22-24B-7. Any person who is subject to the provisions of § 22-24B-2 shall ~~annually~~ reregister every six months in the same manner as may be provided by law for initial registration. Such person shall reregister during the calendar month during which the registrant was born. ~~However, if such person has previously registered pursuant to the provisions of § 22-24B-2 within ninety days immediately prior to the date of such person's birth, no subsequent reregistration is required pursuant to this section during the current annual reregistration cycle and six months following the person's birth month.~~

A violation of this section is a ~~Class 1 misdemeanor. However, any subsequent violation is~~ a Class 6 felony.

Section 7. That § 22-24B-8 be amended to read as follows:

22-24B-8. The registration shall include the following information which, unless otherwise indicated, shall be provided by the offender:

- (1) Name and all aliases used;
- (2) Complete description, photographs, ~~and~~ fingerprints and palm prints collected and provided by the registering agency;
- (3) Residence, length of time at that residence including the date the residence was established, and length of time expected to remain at that residence;
- (4) The type of sex crime convicted of; ~~and~~
- (5) The date of commission and the date of conviction of any sex crime committed;
- (6) Social Security number on a separate confidential form;
- (7) Driver license number and state of issuance;
- (8) Whether or not the registrant is receiving or has received any sex offender treatment;
- (9) Employer name, address, and phone number or school name, address, and phone

1 number;

2 (10) Length of employment or length of attendance at school; ~~and~~

3 (11) Occupation or vocation;

4 (12) Vehicle license plate number of any vehicle owned by the offender;

5 (13) Information identifying any internet accounts of the offender as well as any user
6 names, screen names, and aliases that the offender uses on the internet;

7 (14) A listing of all felony convictions for crimes committed as an adult and sex offense
8 convictions and adjudications subject to sex offender registry provided by the
9 offender and confirmed by the registering agency;

10 (15) A description of the offense, provided by the prosecuting attorney;

11 (16) Acknowledgment whether the offender is currently an inmate, parolee, juvenile in
12 department of corrections placement or under aftercare supervision, county or city
13 jail inmate or detainee in a juvenile detention center, provided by the offender and
14 confirmed by the administering body of the correctional facility;

15 (17) Acknowledgment whether the offender is subject to community safety zone
16 restrictions, provided by the registering agency; and

17 (18) The name, address and phone number of two local contacts, who have regular
18 interaction with the offender and the name, address and phone number of the
19 offender's next of kin.

20 In addition, at the time of the offender's registration, the registering agency will collect a
21 DNA sample and submit the sample to the South Dakota State Forensic Laboratory in
22 accordance with procedures established by the South Dakota State Forensic Laboratory. The
23 collection of DNA at the time of the registration is not required if the registering agency can
24 confirm that DNA collection and submission to the South Dakota State Forensic Laboratory has

1 already occurred.

2 Any failure by the offender to accurately provide the information required by this section
3 is a ~~Class 1 misdemeanor~~ Class 6 felony.

4 Section 8. That § 22-24B-10 be amended to read as follows:

5 22-24B-10. Within three days of registering a person pursuant to §§ 22-24B-1 to 22-24B-14,
6 inclusive, the registering law enforcement agency shall forward the information to the Division
7 of Criminal Investigation. The Division of Criminal Investigation shall maintain a file of all the
8 registrations and shall make them available to state, county, and municipal law enforcement
9 agencies on a twenty-four hour basis. An offender's registration compliance status and
10 registration information, other than the registrant's social security number, victim name, DNA
11 sample, and the names, addresses, and phone numbers for local contacts and next of kin are
12 public information. The provisions of §§ 23-5-11 and 23-6-14 do not apply to providing files
13 pursuant to §§ 22-24B-1 to 22-24B-14, inclusive. ~~The Division of Criminal Investigation file~~
14 ~~is not open to inspection by the public or any other person other than a law enforcement officer~~
15 ~~except as specifically provided in § 22-24B-11.~~

16 Section 9. That § 22-24B-12 be amended to read as follows:

17 22-24B-12. Any person required to register pursuant to §§ 22-24B-1 to 22-24B-14,
18 inclusive, who moves to a different residence address shall inform the law enforcement agency
19 with whom the person last registered of the new address, in writing, within ~~ten~~ five days. The
20 law enforcement agency shall, within three days of receipt, forward the information to the
21 Division of Criminal Investigation and to the law enforcement agency having jurisdiction of the
22 new residence. A failure to register pursuant to this section is a ~~Class 1 misdemeanor. Any~~
23 ~~second or subsequent failure to register pursuant to this section is a Class 6 felony.~~

24 Section 10. That chapter 22-24B be amended by adding thereto a NEW SECTION to read

as follows:

Any person who has been convicted of, or entered a plea of guilty to, one or more violations of §§ 22-24B-2, 22-24B-5, 22-24B-6, 22-24B-7, 22-24B-8 or 22-24B-12 is guilty of a Class 5 felony for any second or subsequent conviction of §§ 22-24B-2, 22-24B-5, 22-24B-6, 22-24B-7, 22-24B-8 or 22-24B-12.

Section 11. That chapter 23-5A be amended by adding thereto a NEW SECTION to read as follows:

Any person who is required to register as a sex offender pursuant to §§ 22-24B-1 to 22-24B-14, inclusive, shall provide a DNA sample as required in chapter 23-5A.

Section 12. That § 23A-27-12.1 be amended to read as follows:

23A-27-12.1. Upon receipt of an order that a defendant has been placed on probation to the court service department, the chief court services officer shall immediately assign the defendant to a court services officer for probation supervision.

All such probationers shall cooperate fully with the court services officer and comply with all directives thereby issued in their regard. If the sentencing judge has provided special conditions, including limited areas of residence or community access, required participation in treatment, enhanced reporting requirements, and use of electronic monitoring or global positioning units, for either a probationer or one released on a suspended sentence, then such person shall comply with such special conditions, and the court services officer is hereby charged with the responsibility for effecting compliance with such conditions.

Whenever the sentencing judge assesses probation costs as a condition of probation, the costs shall be paid to the clerk of the court who shall forward such costs on a monthly basis to the county treasurer for deposit in the county general fund.

Section 13. That § 24-15A-24 be amended to read as follows:

1 24-15A-24. The board and the department may place reasonable restrictions upon a parolee
2 which are designed to continue the parolee's rehabilitation, including limited areas of residence
3 or community access, required participation in treatment, enhanced reporting requirements, and
4 use of electronic monitoring or global positioning units. The board and the department shall
5 require the implementation of a restitution plan and payment of supervision fees, if reasonably
6 possible. The prior obligations of child support and restitution payments take precedence over
7 collection of supervision fees. All restrictions shall be in writing and shall be agreed to and
8 signed by the parolee.

9 Section 14. No law enforcement agency, employee of any law enforcement agency,
10 employee or official of any state and county agency and person contracting or appointed to
11 perform services under this Act is civilly or criminally liable for good faith conduct under this
12 Act.

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

772M0263

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB 149** - 01/25/2006

Introduced by: Senators Abdallah, Dempster, Duniphan, Earley, Gant, Gray, Hansen (Tom), Kelly, Knudson, Koskan, Lintz, McCracken, Schoenbeck, Smidt, Sutton (Dan), and Sutton (Duane) and Representatives Cutler, Bradford, Brunner, Davis, Deadrick, Dennert, Dykstra, Faehn, Frost, Garnos, Glenski, Hackl, Hanks, Haverly, Heineman, Hennies, Hills, Howie, Hunhoff, Hunt, Jerke, Klaudt, Kraus, Krebs, Kroger, McCoy, Michels, Miles, Murschel, Nelson, Novstrup, O'Brien, Pederson (Gordon), Rhoden, Rounds, Schafer, Turbiville, Valandra, Van Etten, Weems, Wick, and Willadsen

1 FOR AN ACT ENTITLED, An Act to create community safety zones, to prohibit certain
2 persons from residing or loitering in community safety zones, to provide penalties for
3 violations thereof, and to declare an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. Terms used in this Act mean:

6 (1) "Community safety zone," the area that lies within five hundred feet from the
7 facilities and grounds of any school, public park, public playground, or public pool,
8 including the facilities and grounds itself;

9 (2) "Loiter," to remain for a period of time and under circumstances that a reasonable
10 person would determine is for the primary purpose of observing or contacting
11 minors;

12 (3) "School," any public, private, denominational, or parochial school offering preschool,



1 kindergarten, or any grade from one through twelve;

2 (4) "Residence," the address an offender lists for purposes of the sex offender registry
3 as provided for in subdivision § 22-24B-8(3).

4 Section 2. No person who is required to register as a sex offender pursuant to chapter 22-
5 24B may establish a residence or reside within a community safety zone unless:

6 (1) The person is incarcerated in a jail or prison or other correctional placement which
7 is located within a community safety zone;

8 (2) The person is placed in a health care facility licensed pursuant to chapter 34-12, or
9 certified under Title XVIII or XIX of the Social Security Act as amended to
10 December 31, 2001, or receiving services from a community service provider
11 accredited or certified by the Department of Human Services, which is located within
12 a community safety zone;

13 (3) The person was under age eighteen at the time of the offense and the offender was
14 not tried and convicted of the offense as an adult;

15 (4) The person established the residence prior to the effective date of this Act;

16 (5) The school, public park, public pool, or public playground was built or established
17 subsequent to the person's establishing residence at the location; or

18 (6) The circuit court has entered an order pursuant to section 7 of this Act exempting the
19 offender from the provisions of this Act.

20 A violation of this section is a Class 6 felony. Any subsequent violation is a Class 5 felony.

21 Section 3. No person who is required to register as a sex offender as defined in chapter 22-
22 24B may loiter within a community safety zone unless the person was under age eighteen at the
23 time of the offense and the offender was not tried and convicted of the offense as an adult or the
24 circuit court has entered an order pursuant to section 7 of this Act exempting the offender from

1 the provisions of this Act.

2 A violation of this section is a Class 6 felony. Any subsequent violation is a Class 5 felony.

3 Section 4. No city, county, municipality, or township may, by local ordinance, restrict or
4 mitigate residence or community access for convicted sex offenders inconsistent with the
5 provisions of this Act.

6 Section 5. An offender subject to community safety zone restrictions pursuant to this Act
7 who is eligible to seek exemption from these restrictions as provided for in section 6 of this Act
8 may petition the circuit court in the county where the person resides for an order to terminate
9 the person's obligation to comply with the community safety zone restrictions. The offender
10 shall serve the petition and all supporting documentation on the state's attorney in the county
11 where the offender currently resides, the office of the prosecutor in the jurisdiction where the
12 offense occurred, and the Office of the Attorney General. The state's attorney in the county
13 where the offender currently resides shall respond to each petition to request exemption from
14 the community safety zone restrictions.

15 No person petitioning the court under this section for an order terminating the persons's
16 obligation to comply with community safety zone restrictions is entitled to court appointed
17 counsel, experts, or publicly funded witnesses.

18 The petition and documentation to support the request for exemption from the community
19 safety zone restrictions shall include:

- 20 (1) All information required for registration of convicted sex offenders in § 22-24B-8;
- 21 (2) A detailed description of the sex crime that was the basis for the offender to be
22 subject to community safety zone restrictions;
- 23 (3) A certified copy of judgment of conviction or other sentencing document; and
- 24 (4) The offender's criminal record.

1 The court may request that the petitioner provide additional information if the information
2 provided is incomplete or if the court desires more information relative to the request for
3 exemption.

4 Section 6. To be eligible for exemption from the community safety zone restrictions, the
5 petitioner shall show, by clear and convincing evidence, the following:

6 (1) That at least ten years have elapsed since the date the petitioner was convicted of the
7 offense that subjected the petitioner to community safety zone restrictions pursuant
8 to this Act. For purposes of this subdivision, any period of time during which the
9 petitioner was incarcerated or during which the petitioner was confined in a mental
10 health facility or during which the petitioner was on probation or parole supervision
11 does not count toward the ten-year calculation, regardless of whether such
12 incarceration, confinement or community supervision was for the sex offense
13 requiring registration or for some other offense;

14 (2) That the petitioner is not a recidivist sex offender. A recidivist sex offender is a
15 person who has been convicted or adjudicated for more than one sex crime listed in
16 subdivisions 22-24B-1(1) to (19), inclusive, regardless of when those convictions or
17 adjudications occurred. For purposes of this subdivision and subdivision (1) of this
18 section, a conviction or adjudication includes a verdict or plea of guilty; a verdict or
19 plea of guilty but mentally ill; a plea of nolo contendere; a suspended imposition of
20 sentence granted under § 23A-27-13, regardless of whether it has been discharged;
21 a deferred prosecution agreement entered by a prosecutor; and a determination made
22 in another state, federal jurisdiction, or courts martial that is comparable to any of
23 these events;

24 (3) That the petitioner has completely and truthfully complied with the registration and

1 reregistration requirements imposed under chapter 22-24B;

2 (4) That the petitioner has actually resided in South Dakota at least ten consecutive years
3 immediately prior to the filing of the petition. Residence as used in this subdivision
4 does not mean the registration address of an incarcerated sex offender; and

5 (5) The circumstances of the crime subjecting the offender to community safety zone
6 restrictions did not involve a child under age thirteen.

7 Section 7. If the court finds that all of the criteria provided for in section 6 of this Act have
8 been met and that the petitioner is not likely to offend again, then the court may, in its
9 discretion, enter an order terminating the petitioner's obligation to comply with the community
10 safety zone restrictions of this state. However, if the court finds that the offender has provided
11 false or misleading information in support of the petition, or failed to serve the petition and
12 supporting documentation upon the parties provided for in section 5 of this Act, then the petition
13 shall be denied. If the petition is denied, the petitioner may not file a subsequent petition for at
14 least two years from the date the previous petition was denied. The court shall forward any order
15 terminating the petitioner's obligation to comply with community safety zone restrictions to the
16 Division of Criminal Investigation.

17 Section 8. That § 22-22-38 be amended to read as follows:

18 22-22-38. Any person required to register pursuant to §§ 22-22-30 to 22-22-39, inclusive,
19 who is discharged or paroled or temporarily released from an institution of the Department of
20 Corrections or the Department of Human Services or from any jail or other facility in this state
21 where the person was confined because of a conviction of an offense as described in § 22-22-30
22 shall, prior to discharge, parole, furlough, work release, or similar program outside the facility,
23 or release, be informed of the duty to register under §§ 22-22-30 to 22-22-39, inclusive, and
24 informed of community safety zone restrictions, by the institution in which the person was

1 confined. The institution shall require the person to read and sign any forms as may be required
2 by the Division of Criminal Investigation stating that the duty to register, community safety zone
3 restrictions, and the procedure for registration ~~has~~ have been explained. The institution shall
4 obtain the address where the person plans to reside upon discharge, parole, furlough, work
5 release, or similar program outside the facility, or release and shall report the address to the
6 Division of Criminal Investigation. The institution shall give one copy of the form to the person
7 and shall send one copy to the Division of Criminal Investigation and one copy to the law
8 enforcement agency having jurisdiction where the person plans to reside upon discharge, parole,
9 furlough, work release, or similar program outside the facility, or release, and one copy to the
10 office of the state's attorney in the county in which the person was convicted.

11 Section 9. That § 22-22-39 be amended to read as follows:

12 22-22-39. Any person required to register pursuant to §§ 22-22-30 to 22-22-39, inclusive,
13 who is released on probation because of the commission or attempt to commit one of the
14 offenses as described in § 22-22-30 shall, prior to release be informed of the duty to register
15 under §§ 22-22-30 to 22-22-39, inclusive, and informed of community safety zone restrictions,
16 by the court in which the person was convicted. The court shall require the person to read and
17 sign any forms as may be required by the Division of Criminal Investigation stating that the duty
18 to register, community safety zone restrictions, and the procedure for registration ~~has~~ have been
19 explained. The court shall obtain the address where the person plans to reside upon release and
20 shall report the address to the Division of Criminal Investigation. The court shall give one copy
21 of the form to the person and shall send one copy to the Division of Criminal Investigation and
22 one copy to the law enforcement agency having jurisdiction where the person plans to reside
23 upon release.

24 Section 10. Whereas, this Act is necessary for the immediate preservation of the public

- 1 peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full
- 2 force and effect from and after its passage and approval.